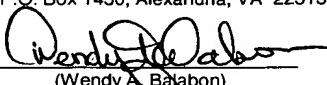
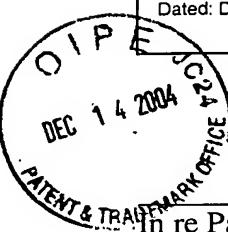


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Dated: December 10, 2004 Signature:   
(Wendy A. Babalon)

IFW  
Docket No.: 50000-0052  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of:  
Daniel M. Ritt et al.

Application No.: 10/630,015

Confirmation No.: 7767

Filed: July 30, 2003

Art Unit: 2625

For: System and Method for Aligning Images

Examiner: Yon Jung Couso

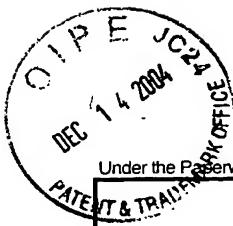
**PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 102(d)**  
**AND MPEP § 708.02(VIII)**

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 102(d) and MPEP § 708.02(VIII) (SPECIAL EXAMINING PROCEDURE FOR CERTAIN NEW APPLICATIONS - ACCELERATED EXAMINATION), Applicants hereby petition to make this application special. Applicants believe that each of the items to be complied with set forth in MPEP § 708.02(VIII) are satisfied as set forth below:

- (A) Applicants herewith submit the fee set forth in 37 C.F.R. § 1.17(h);
- (B) Applicants believe that all pending claims are directed to a single invention.
- (C) Applicants have conducted a pre-examination search of U.S. class 382, subclasses 128, 175, 278, and 294.
- (D) One copy of each of the references most closely related to the subject matter encompassed by the claims is attached hereto. *See Exhibits A - C.* The attachment of a reference to this Petition should not be construed as an admission by Applicants that such



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/630,015/Conf. 7767
		Filing Date	July 30, 2003
		First Named Inventor	Daniel M. Ritt et al.
		Art Unit	2625
		Examiner Name	Yon Jung Couso
Total Number of Pages in This Submission	51	Attorney Docket Number	50000-0052

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition –To Make Special Under 37CFR 102(d) and MPEP 708.02	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Transmittal Exhibit A –USP 6,754,374 B1 Exhibit B –USP 6,563,942 B2 Exhibit C – US 2002/0048393 A1 Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

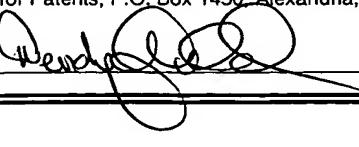
## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	RADER, FISHMAN & GRAUER PLLC		
Signature			
Printed name	Charles A. Bieneman		
Date	December 10, 2004	Reg. No.	51,472

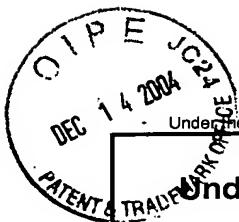
### Transmittal

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Dated: December 10, 2004

Signature: 

(Wendy A. Balabon)



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<b>PETITION FEE</b> <b>Under 37 CFR 1.17(f), (g) &amp; (h)</b> <b>TRANSMITTAL</b> <small>(Fees are subject to annual revision)</small>		<b>Application Number</b> 10/630,015-Conf. #7767
<b>Send completed form to:</b> <small>Mail Stop Petitions    Commissioner for Patents    P.O. Box 1450    Alexandria, VA 22313-1450</small>		<b>Filing Date</b> July 30, 2003
		<b>First Named Inventor</b> Daniel M. Ritt et al.
		<b>Art Unit</b> 2625
		<b>Examiner Name</b> Y. J. Couso
		<b>Attorney Docket Number</b> 50000-0052

Petition to  
 Make An  
 Application  
**Enclosed is a petition filed under 37 CFR Special that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.**

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. *For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.*

**Payment of Fees** (small entity amounts are NOT available for the petition fees).

- The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 18-0013 :
- Petition fee under 37 CFR 1.17(f), (g) or (h)  Any deficiency of fees and credit of any overpayments  
 Enclose a duplicative copy of this form for fee processing.
- Check in the amount of \$ \_\_\_\_\_ is enclosed.
- Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.53(e) – to accord a filing date.  
 § 1.57(a) – to accord a filing date.  
 § 1.182 – for decision on a question not specifically provided for.  
 § 1.183 – to suspend the rules.  
 § 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.  
 § 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

- § 1.12 – for access to an assignment record.  
 § 1.14 – for access to an application.  
 § 1.47 – for filing by other than all the inventors or a person not the inventor.  
 § 1.59 – for expungement of information.  
 § 1.103(a) – to suspend action in an application.  
 § 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.  
 § 1.295 – for review of refusal to publish a statutory invention registration.  
 § 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.  
 § 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.  
 § 1.550(c) – for patent owner requests for extension of time in ex parte reexamination proceedings.  
 § 1.956 – for patent owner requests for extension of time in inter partes reexamination proceedings.  
 § 5.12 – for expedited handling of a foreign filing license.  
 § 5.15 – for changing the scope of a license.  
 § 5.25 – for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.19(g) – to request documents in a form other than that provided in this part.  
 § 1.84 – for accepting color drawings or photographs.  
 § 1.91 – for entry of a model or exhibit.  
 § 1.102(d) – to make an application special.  
 § 1.138(c) – to expressly abandon an application to avoid publication.  
 § 1.313 – to withdraw an application from issue.  
 § 1.314 – to defer issuance of a patent.

Signature

December 10, 2004

Date

Charles A. Bieneman  
 Typed or printed name

51,472

Registration No., if applicable

**Petition Fee Transmittal**

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Dated: December 10, 2004

Signature: (Wendy A. Balabon)

reference is prior art for the claimed invention. Rather, in accordance with the requirement stated by the MPEP, Applicants have simply sought to identify the references located during the afore-mentioned search that are most closely related to the subject matter encompassed by the claims. Each of the attached references listed is listed in an Information Disclosure Statement being filed simultaneously herewith.

(E) Applicants hereby submit the following detailed discussion, pointing out with the particularity required by 37 C.F.R. § 1.111(b) and (c), how the claimed subject matter is patentable over the references located during the afore-mentioned search that are most closely related to the subject matter encompassed by the claims.

Claims 1-49 are pending in the application, of which claims 1, 21, and 36 are independent claims. For at least the reasons stated below, Applicants believe that claims 1, 21, and 36 are clearly patentable over each of the references located during the afore-mentioned search. Applicants further believe that dependent claims 2-20, 22-35, and 37-49 are patentable at least by reason of their dependence on the foregoing independent claims.

U.S. 6,574,374 to Miller et al. (“Miller”) teaches a method for registering two images. One embodiment disclosed by Miller includes “identifying a region in the second image representing one or more image data elements representing a target object.” (Miller, 2: 5-7.) In fact, Miller defines a region to include “one or more image data elements” such as, “for example, a pixel or a voxel.” (Miller, 2: 63-65.) Regarding Applicants’ claims, at a minimum, Miller does not teach or suggest “a geometrical object configured in said definition subsystem” as is required by independent claim 1. In fact, Miller teaches against the recited geometrical object because Miller teaches identifying actual data elements, e.g., pixels or voxels, associated with objects such as tumors, for use in transforming an image (Miller, 3: 10-55), and thus Miller would have had no use for the recited geometrical object. Similarly, Miller does not disclose, and in fact teaches against, “a geometrical shape generated by connecting at least a subset of said target reference points” as recited in claim 21, and “generating a geometrical object by connecting at least four said target reference points” as recited in claim 36.

U.S. 6,563,942 to Takeo et al. (“Takeo”) discloses adjusting the positions of a plurality of radiation images so that the images can be matched to each other. (Takeo, 5: 12-20.)

Accordingly, Takeo teaches selecting at least three corresponding points in each of a plurality of radiation images. (Takeo, 5: 34-35.) These points are then used to perform affine transforms. (Takeo, 5: 38-63.) Regarding Applicants' claims, at a minimum, Takeo nowhere teaches or suggests connecting the corresponding points to generate a geometrical shape, nor does Takeo disclose using a geometrical shape for any purpose. In fact, the objects of Takeo's invention are accomplished by using selected reference points, and thus one of ordinary skill in the art could have had no reason to generate a geometrical shape in the context of Takeo. Therefore, at a minimum, Takeo does not and cannot teach or suggest "a geometrical object configured in said definition subsystem" as is required by independent claim 1. Similarly, Takeo does not disclose, and in fact teaches against, "a geometrical shape generated by connecting at least a subset of said target reference points" as recited in claim 21, and "generating a geometrical object by connecting at least four said target reference points" as recited in claim 36.

U.S. published patent application 2002/0048393 of Oosawa ("Oosawa") discloses a method of registering two images that proceeds by selecting a number of corresponding regions of interest in each of the two images. (Oosawa, Abstract.) Oosawa's regions of interest are defined in terms of a length and width in pixels. (Oosawa, ¶ 40.) Regarding Applicants' claims, at a minimum, nowhere does Oosawa teach or suggest "a geometrical object configured in said definition subsystem" as is required by independent claim 1, "a geometrical shape generated by connecting at least a subset of said target reference points" as recited in claim 21, or "generating a geometrical object by connecting at least four said target reference points" as recited in claim 36.

**CONCLUSION**

In view of the foregoing statements, Applicants respectfully request that this Petition to Make Special be granted, and that this application be examined forthwith as provided for in MPEP § 708.02(VIII).

Applicant believes that a fee of \$130 is due with this Petition. For payment of this and/or any other fees that may be due with this Petition, please charge our Deposit Account No. 18-0013, from which the undersigned is authorized to draw, under Order No. 50000-0052.

Dated: December 10, 2004

Respectfully submitted,

By   
Charles A. Bieneman

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